UNITED STATES COURT OF APPEALS	
SOUTHERN DISTRICT OF NEW YORK	
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IN DE LOWED MANUATERAN DIGAGEER GIER	DOCKET NO.: 21MC102 (AKH)
IN RE: LOWER MANHATTAN DISASTER SITE LITIGATION	NOTICE OF APPEAL
X	(

PLEASE TAKE NOTICE that the Plaintiffs listed in the attached Addendum A to the Order dated December 8, 2011 for the 21MC102(AKH) docket hereby Appeal to the United States Court of Appeals for the Second Circuit from the December 8, 2011 Order (Document No. 4143 in 21MC102[AKH]) that *inter alia* denied plaintiffs' motion for a further extension of their time to comply with the Court's Order for new Certifications of their discovery responses and upon such denial, directed that one hundred seventy plaintiffs' complaints be dismissed. Plantiffs appeal from each and every part of said Order.

Dated: New York, New York January 5, 2012

INTER CEARES COLDE OF ADDEALS

WORBY GRONER EDELMAN & NAPOLI BERN, LLP Counsel for Appealing Plaintiffs

Denise A. Rubin (DR5591)

350 Fifth Avenue, Suite 7413 New York, New York 10118

Phone: (212) 267-3700 Fax: (212) 587-0031

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

N RE WORLD TRADE CENTER LOWER

IN RE WORLD TRADE CENTER LOWER MANHATTAN DISASTER SITE LITIGATION

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ORDER DENYING

PLAINTIFFS' MOTION TO

EXTEND THE DEADLINE FOR CERTIFICATIONS, AND

DISMISSING CASES

21 MC 102 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

WHEREAS Plaintiffs represented by Worby Groner Edelman & Napoli Bern,
LLP have moved for a further enlargement of time, to January 2, 2012, for 170 identified
Plaintiffs¹ to provide duly sworn or certified answers to court-ordered interrogatories;

WHEREAS Plaintiffs have been under order to do so since at least an Order of August 29, 2011;

WHEREAS, by Orders of September 28, 2011, October 31, 2011, and
November 8, 2011, I enlarged Plaintiffs' time to comply until November 14, 2011, advising
Plaintiffs that if they failed to comply their complaints were subject to dismissal; and

WHEREAS by Order of November 17, 2011 I again enlarged time, to December 2, 2011, and provided that no further enlargements would be granted;

THEREFORE I deny Plaintiffs' Motion for an Order Further Extending Time, and I dismiss the 170 cases, indentified on Exhibit A attached hereto, with prejudice, for failure to prosecute their cases consistent with court orders. These Plaintiffs have been indifferent to court orders, despite repeated adjournments. All but a few of the 170 cases are three to five years old. Despite electing not to settle and to continue with their cases, these Plaintiffs have

¹ These Plaintiffs are listed on Exhibits 8 and 9 of Plaintiffs' December 3, 2011 Motion For An Order Further Extending The Time For Certain Plaintiffs To Provide Updated Certifications.

done nothing to proceed further, notwithstanding court orders to do so. Even though these 170 cases are not among those selected for more intensive deposition proceedings, the failure of these Plaintiffs to provide reliable information about the merits of their cases and the extent of their injuries, if any, proximately resulting from their work at the WTC site in the period following the terrorist-related aircraft crashes of September 11, 2001, prejudices all cases.

Plaintiffs affected by this order, should they wish to move to open the judgment dismissing their cases, must file proper motions by Jan 2, 2012 showing a ground provided by Rule 60(b), Fed. R. Civ. P. In light of all the considerations surrounding these cases and in light of the succession of prior enlargements of time, any longer period likely will be considered unreasonable.

SO ORDERED

Dated:

December , 2011 New York, New York

ALVIN K. HELLERSTEIN United States District Judge

EXHIBIT A

	TO SHEET LONG THE WAY	
Aalbue	Richard	06cv11897
Abatz	John	07CV05333
Agudelo	Maria	07CV05334
Agudo	Claudio	07cv04447
Alfaro Lobo	Miguel	08CV02557
Ali	Enrique	07cv01554
Arbelaez	Ignacio	08CV02561
Asmal	Carlos	07cv01462
Aviia	Luis	07cv04450
Azubike	Victor	07CV09058
Barcco-Wong	Stalin	07CV04293
Barriga	Mercedes	08CV02567
Betancourt	Hector	07cv04453
Cabrera	Marbin	08CV02581
Cabrera	Oswaldo	07CV05551
Carchi	Mauricio	08CV02586
Carpio	Jose	07cv01479
Carrasco	Heman	08CV02589
Cayetano	Teresita	07CV05282
Chaca	Wilson	07CV03282
Chun	William	06cv11989
Cifuentes	Maria del Pilar	
Conforme	Freddy	07CV05552
Datil	Leonor	07cv01488
Diez	Rosa	07CV05352
Dowling	John	06cv09038
Easterling	Willie	06CV09542
Encalada	Luis	07CV05354
Espinosa	Enny	06cv13890
Flores	Talia	07CV01609
Franco	Luis	07cv04466
Galiano	Cruz	08CV02622
Gallo	Juan	08cv14670
Garcia	Juan Isabel	07cv08281
Garda	Luis	07cv01501
Graziano	Anthony	0/cv01501 08cv14694

Guzman Harris	Eric	07cv01506
	Michele	06cv14711
Jenkins Lienana	Christopher	08CV05931
Jimenez	Rafael	07CV10784
Kuhn	Douglas	08CV02644
	Carlos	06cv10045 06cv12772
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Liguori Libber	Jerry Donatical	06CV08447
Llibri	Pascual	07CV01651 07cv04482
Loja	Wilmo Adriana	07CV04482 08CV02646
	Adriana	
Lopez	Adolfo	10cv07154
Medina	Diego	08CV02290

Moran	Wilson	06CV12341
Narvaez	Rosa	08CV02670
Negron	Aurea	06CV12366
Niskanen	David	06CV12377
Orellana	Aurellio	07CV01674
Orellana	Edgar	07CV05398
Orozco	Rafael	08CV02299
Ortiz	Rosa	07CV01676
Padredin	Nayibe	07CV05306
Paduani	Miguel	07CV05307
Palma	Patricia	06cv03932
Palomeque	Henry	08CV02244
Pelaez	Inez	08CV02682
Pena	Luis	05cv10741
Perez-Sanchez	Maribel	08CV02687
Prada	Maria del Pilar	08cv02692
Rando	Dennis	07CV10824
Rendon	Guelmer	07cv04510
Reyes	Marilan	07CV05310
Rodas	Hugo	08CV02698
Rodriguez-Jomarron	Olga	08CV02699
Sanchez	Oscar	06cv11892
Sarmiento	Galo	07cv01529
Silva	Ligia	08CV02716
Solarte	Maria	07cv01669
Solis	Lucio	05CV01198
Urena	Clemente	07cv01540
Urgiles	Miguel	07CV05400
Urquijo	Esperanza	06CV13211
Valdiviezo	Hector	07cv01542
Velarde	Felix	07cv01544
Villavicencio	Oswaldo	08CV02315
Yaguana	Aquiles	07cv04525
Yumbia	Alcibar	07cv01729
Yumbia	Luis	06CV13166
Zolfo	Vincent	06cv12843

Acosta Byron 07CV01552 Alfonso Pedro 08CV02252 Arias Arturo 07CV05274 Arias Gloria 08cv04931 Arrieta Enrique 07cv01459 Avila Mauricio 08Cv02568 Ballesteros Vanessa 08cv04932 Benbow Joseph 07cV01470 Bermudez Anita 07cv01470 Bunay Carlos 07cV01571 Cabrera Wilson 07cv01474 Bunay Carlos 07cv01474 Calle Elva 08cv02579 Cabrera Wilson 07cv01474 Calle Lose 07cv01474 Calle Jose 07cv01474 Calle Jose 07cv01474 Calle Jose 07cv01474 Calle Jose 07cv01479 Carlos 08cv02584 Calle Jose 07cv11019 Carvilie Scott 07cv011019	on a grammary grammasy.	*** **********************************	1200-7-11 1 1 1 1 2 2 3 3 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5
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Garcia Jorge 07CV05291 Gonzalez Gabriel 08CV13701 Gualpa Rosa 07cv04472 Guaman Enrique 08CV02633 Guzman Felix 07CV05412 Henao Gustavo 08cv04938 Hemandez Nubia 08CV02636 Intriago Ecuador 07cv04475 Jerez Carmen 07cv04475 Jerez Urbano 07cv01509 Khan Imtiaz 06CV12182 Kukacki Kazimierz 06cv14781 Londono Gloria 08CV02648 Lopez Angel 08CV02281 Lopez Luz 07CV05560 Losada Nubia 08CV02652 Lucero Fernando 07CV05366 Marcillo Douglas 07cv04488 Marcos John 07cv04487 Martin Richard 08cv08037	Garces	Jesus	07CV01615
Gonzalez Gabriel 08CV13701 Gualpa Rosa 07cv04472 Guaman Enrique 08CV02633 Guzman Felix 07CV05412 Henao Gustavo 08cv04938 Hernandez Nubia 08CV02636 Intriago Ecuador 07cv04475 Jerez Carmen 07cv05297 Juarez Urbano 07cv01509 Khan Imtiaz 06CV12182 Kukacki Kazimierz 06cv14781 Londono Gloria 08CV02648 Lopez Angel 08CV02281 Lopez Luz 07CV05560 Losada Nubia 08CV02652 Lucero Fernando 07CV05366 Marcillo Douglas 07cv04488 Marcos John 07cv04487 Martin Richard 08cv08037	Garcia	Fernando	06cv13916
Gualpa Rosa 07cv04472 Guaman Enrique 08CV02633 Guzman Felix 07CV05412 Henao Gustavo 08cv04938 Hemandez Nubia 08CV02636 Intriago Ecuador 07cv04475 Jerez Carmen 07cV05297 Juarez Urbano 07cv01509 Khan Imtiaz 06CV12182 Kukacki Kazimierz 06cv14781 Londono Gloria 08CV02648 Lopez Angel 08CV02281 Lopez Luz 07CV05560 Losada Nubia 08CV02652 Lucero Fernando 07CV05366 Marcillo Douglas 07cv04486 Marcos John 07cv04487 Martin Richard 06cv08037	Garcia	Jorge	07CV05291
Guaman Enrique 08CV02633 Guzman Felix 07CV05412 Henao Gustavo 08cv04938 Hemandez Nubia 08CV02636 Intriago Ecuador 07cv04475 Jerez Carmen 07CV05297 Juarez Urbano 07cv01509 Khan Imtiaz 06CV12182 Kukacki Kazimierz 06cv14781 Londono Gloria 08CV02648 Lopez Angel 08CV02281 Lopez Luz 07CV05560 Losada Nubia 08CV02652 Lucero Fernando 07CV05366 Marcillo Douglas 07cv04486 Marcos John 07cv04487 Martin Richard 06cv08037	Gonzalez	Gabriel	06CV13701
Guzman Felix 07CV05412 Henao Gustavo 08cv04938 Hemandez Nubia 08CV02636 Intriago Ecuador 07cv04475 Jerez Carmen 07CV05297 Juarez Urbano 07cv01509 Khan Imtiaz 06CV12182 Kukacki Kazimierz 06cv14781 Londono Gloria 08CV02648 Lopez Angel 08CV02281 Lopez Luz 07CV05560 Losada Nubia 08CV02652 Lucero Fernando 07CV05366 Marcillo Douglas 07cv04488 Marces John 07cv04487 Martin Richard 06cv08037	Gualpa	Rosa	07cv04472
Guzman Felix 07CV05412 Henao Gustavo 08cv04938 Hemandez Nubia 08CV02636 Intriago Ecuador 07cv04475 Jerez Carmen 07CV05297 Juarez Urbano 07cv01509 Khan Imtiaz 06CV12182 Kukacki Kazimierz 06cv14781 Londono Gloria 08CV02648 Lopez Angel 08CV02281 Lopez Luz 07CV05560 Losada Nubia 08CV02652 Lucero Fernando 07CV05366 Marcillo Douglas 07cv04488 Marces John 07cv04487 Martin Richard 06cv08037	Guaman	Enrique ·	08CV02633
Hemandez Nubia 08CV02636 Intriago Ecuador 07cv04475 Jerez Carmen 07cv045297 Juarez Urbano 07cv01509 Khan Imtiaz 06CV12182 Kukacki Kazimierz 06cv14781 Londono Gloria 08CV02648 Lopez Angel 08CV02281 Lopez Luz 07CV05560 Losada Nubia 08CV02652 Lucero Fernando 07CV05366 Marcillo Douglas 07cv04488 Marcos John 07cv04487 Martin Richard 06cv08037	Guzman		07CV05412
Intriago Ecuador 07cv04475 Jerez Carmen 07CV05297 Juarez Urbano 07cv01509 Khan Imtiaz 06CV12182 Kukacki Kazimierz 06cv14781 Londono Gloria 08CV02648 Lopez Angel 08CV02281 Lopez Luz 07CV05560 Losada Nubia 08CV02652 Lucero Fernando 07CV05366 Marcillo Douglas 07cv04486 Marcos John 07cv04487 Martin Richard 06cv08037	Henao	Gustavo	
Jerez Carmen 07CV05297 Juarez Urbano 07cv01509 Khan Imtiaz 06CV12182 Kukacki Kazimierz 06cv14781 Londono Gloria 08CV02648 Lopez Angel 08CV02281 Lopez Luz 07CV05560 Losada Nubia 08CV02652 Lucero Fernando 07CV05366 Marcillo Douglas 07cv04486 Marcos John 07cv04487 Martin Richard 06cv08037	Hemandez	Nubia	08CV02636
Juarez Urbano 07cv01509 Khan Imtiaz 06CV12182 Kukacki Kazimierz 06cv14781 Londono Gloria 08CV02648 Lopez Angel 08CV02281 Lopez Luz 07CV05560 Losada Nubia 08CV02652 Lucero Fernando 07CV05366 Marcillo Douglas 07cv04486 Marcos John 07cv04487 Martin Richard 08cv08037	Intriago	Ecuador	07cv04475
Khan Imtiaz 06CV12182 Kukacki Kazimierz 06cv14781 Londono Gloria 08CV02648 Lopez Angel 08CV02281 Lopez Luz 07CV05560 Losada Nubia 08CV02652 Lucero Fernando 07CV05366 Marcillo Douglas 07cv04486 Marcos John 07cv04487 Marrero Gloria 08CV02287 Martin Richard 06cv08037	Jerez	Carmen	07CV05297
Kukacki Kazimierz 06cv14781 Londono Gloria 08CV02648 Lopez Angel 08CV02281 Lopez Luz 07CV05560 Losada Nubia 08CV02652 Lucero Fernando 07CV05366 Marcillo Douglas 07cv04486 Marcos John 07cv04487 Marrero Gloria 08CV02287 Martin Richard 06cv08037	Juarez	Urbano	
Londono Gloria 08CV02648 Lopez Angel 08CV02281 Lopez Luz 07CV05560 Losada Nubia 08CV02652 Lucero Fernando 07CV05366 Marcillo Douglas 07cv04488 Marcos John 07cv04487 Marrero Gloria 08CV02287 Martin Richard 06cv08037	Khan	Imtiaz	06CV12182
Lopez Angel 08CV02281 Lopez Luz 07CV05560 Losada Nubia 08CV02652 Lucero Fernando 07CV05366 Marcillo Douglas 07cv04486 Marcos John 07cv04487 Marrero Gloria 08CV02287 Martin Richard 06cv08037	Kukacki	Kazimierz	06cv14781
Lopez Luz 07CV05560 Losada Nubia 08CV02652 Lucero Fernando 07CV05366 Marcillo Douglas 07cv04488 Marcos John 07cv04487 Marrero Gloria 08CV02287 Martin Richard 06cv08037	Londono	Gloria	
Losada Nubia 08CV02652 Lucero Fernando 07CV05366 Marcillo Douglas 07cv04486 Marcos John 07cv04487 Marrero Gloria 08CV02287 Martin Richard 06cv08037	Lopez	Angel	08CV02281
Losada Nubia 08CV02652 Lucero Fernando 07CV05366 Marcillo Douglas 07cv04486 Marces John 07cv04487 Marrero Gloria 08CV02287 Martin Richard 06cv08037	Lopez	Luz	07CV05560
Marcillo Douglas 07cv04486 Marcos John 07cv04487 Marrero Gloria 08CV02287 Martin Richard 06cv08037		Nubia	08CV02652
Marces John 07cv04487 Marrero Gloria 08CV02287 Martin Richard 06cv08037	Lucero	Fernando	
Marces John 07cv04487 Marrero Gloria 08CV02287 Martin Richard 06cv08037	Marcillo		07cv04486
MarreroGloria08CV02287MartinRichard06cv08037	Marcos		
Martin Richard 06cv08037		Gloria	08CV02287
Melo Alberto 08CV02657	Martin	Richard	
	Melo	Alberto	08CV02657

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Mendoza	Enrique	07CV05302
Mesa	Luis	07CV05303
Montenegro	Otto	06CV06018
Montoya	Sandra	08CV06636
Nino	Victor	08CV02675
Ocampo	Janneth	07CV01673
Oquendo	Walter	07cv04497
Oreliana	Cristobal	07CV05563
Ortega	Mariana	05CV01765
Ortega	Sandra	07CV01675
Pepe Jr	Joseph	09CV02777
Pigott	John	06cv14970
Pillco	Luis	07cv04508
Ramirez	Freddy	05CV05601
Rico	Alejandra	08cv05857
Rodriguez	Manuel	08CV02700
Rosario	Carmen	09CV02811
Ruales	Glenda	08CV02704
Rudder	Anthony	07CV01698
Santana	Hilda	08CV11456
Sarmiento	Javier	06cv12495
Schuler	Steven	07CV05425
Silva	Carlos	06cv02664
Tehan_	Nicholas	07CV05564
Tenempaguay	Wilfrido	07CV05320
Toledo	William	07cv01539
Torres	Javier	08CV02725
Varicelly	Cecilia	07cv01720
Vega	Severo	07cv04521
Velasquez	Fredy	06cv11141
Velez	Jazmin	08CV02731
Victoria	Maritza	08cv04943
Yamasqui	Armando	07CV05328
Yepes	Maria	08CV02251

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	
X	
IN RE: LOWER MANHATTAN DISASTER SITE LITIGATION	DOCKET No.: 21MC102(AKH) DECLARATION OF SERVICE
X	

DENISE A. RUBIN, an Attorney duly licensed to practice before the Courts of the State of New York and a member of the Bar of this Honorable Court, hereby Declares under penalty of perjury:

On January 5, 2012, I duly served a true copy of the within NOTICE OF APPEAL on the persons listed below by e-mail transmission.

Tyrrell, James E.
Patton Boggs, LLP
Counsel for Defendants-Appellants
One Riverfront Plaza, 6th floor
Newark, New Jersey 07102
Jtyrrell@pattonboggs.com

Andrew J. Carboy, Esq.
Sullivan Papain, Block, McGrath & Cannavo, P.C.
Plaintiffs' Co-Liaison Counsel
120 Broadway
New York, New York 10271

Gregory J. Cannata, Esq. The Law Firm of Gregory J. Cannata The Woolworth Building 233 Broadway, 5th Floor New York, New York 10279 Margaret Warner, Esq.
McDermott Will & Emery, LLP
Counsel for WTC Captive Insurance Co.,
Inc.
600 13th Street, N.W.
Washington, D.C. 20005-3096
mwarner@mwe.com

Robert Grochow Esq. Robert A. Grochow, P.C. 233 Broadway, 5th Floor New York, New York 10279

DENISE A. RUBIN

UNITED STATES COURT OF APPEALS SOUTHERN DISTRICT OF NEW YORK	••
IN RE: LOWER MANHATTAN DISASTER SITE	DOCKET NO.: 21MC102(AKH)
PLAINTIFFS' NOTIO	CE OF APPEAL
have read the within papers and that to the best of my knowle	aling Plaintiffs Suite 7413 York 10118 3700
defined in 22 NYCRR § 130-1.1(c) and Fed. R. Civ. P. 11.	Attorney name: Denise A. Rubin
PLEASE TAKE NOTICE: NOTICE OF ENTRY that the within is a (certified) true copy of an of the clerk of the within named court on NOTICE OF SETTLEMENT that an order presented for settlement to the HON. within named Court, at on	duly entered in the office 200 of which the within is a true copy, will be one of the judges of the 200 atO'clockM.
Dated,Yours,	etc
•	eic. By Groner Edelman & Napoli Bern, LLP